

# PATENT COOPERATION TREATY

From the:  
INTERNATIONAL SEARCHING AUTHORITY

To:

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NEW ZEALAND

## PCT

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **23 FEB 2005**

Applicant's or agent's file reference  
**510428 GWW**

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
**PCT/NZ2004/000265**

International filing date (day/month/year)  
**22 October 2004**

Priority date (day/month/year)  
**22 October 2003**

International Patent Classification (IPC) or both national classification and IPC  
Int. CL <sup>7</sup> **A47K 3/00, 3/02, 3/20, 3/28, 5/00.**

Applicant  
**KOHLER NEW ZEALAND LIMITED et al**

**1. This opinion contains indications relating to the following items:**

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the IPEA/AU  
**AUSTRALIAN PATENT OFFICE  
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**WRITTEN OPINION OF THE  
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**Box No. I      Basis of the opinion**

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. V** Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

**1. Statement**

Novelty (N)	Claims 1 to 16.	YES
	Claims	NO
Inventive step (IS)	Claims 1 to 16.	YES
	Claims	NO
Industrial applicability (IA)	Claims 1 to 16.	YES
	Claims	NO

**2. Citations and explanations:**

**Novelty (N) and Industrial Applicability (IA) Claims 1 to 16.**

The invention as presently defined in the claims is directed to an apparatus and method of making a shower or bath wall liner panel which includes the features of a fold down the panel and at least one non planar formation integrally formed in the panel to one side of the fold and capable of supporting a shelf, basket, soap dish, flannel rail or step.

No individual citation or obvious combination of citations disclose the integrally formed formation in the folded shower or bath wall liner.

The closest art may be seen in the following documents:-

**AU 40285/95 B (707994), US 5647072 A, US 6289529 B, CH 45798 A, WO 2000 62656 A,**

**WO 2001 74223 A, EP 415058 A, DE 3137406 A.**

**Industrial Applicability (IA) Claims 1 to 16.**

All claims are considered to be industrially applicable.

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**Box No. VIII    Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claims 1, 2 and 9 are not clear in that they do not clearly define a clear inter working relationship between the non-planar formation integrally formed in the panel and the various items which may be supported in the shower enclosure or above the bath.